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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CV No. 3:15-cv-01857-BR

LORI WAKEFIELD, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

VISALUS, INC., a Nevada corporation,

Defendant.

**UNOPPOSED MOTION FOR AN ORDER
ALLOWING DEFENDANT TO FILE A
DOCUMENT UNDER SEAL**

LR 7.1 CERTIFICATION

The undersigned counsel certifies that they have conferred with counsel for Plaintiff about this Unopposed Motion, and is authorized to state that Plaintiff agrees to the requested

relief.

MOTION

Pursuant to Local Rules 3-7(b), 5-5(b), and 26-4(c), as well as the Stipulated Protective Order entered on April 14, 2016 (Dkt. 49), Defendant ViSalus, Inc. ("ViSalus") hereby requests, without opposition from Plaintiff Lori Wakefield, an order granting ViSalus permission to file under seal an unredacted version of its opposition (the "Opposition") to Plaintiff's Renewed Motion and Memorandum in Support of Motion for Class Certification.

MEMORANDUM OF LAW

Under the protective order in this case, in support of its Opposition, ViSalus is filing under seal a retention-of-counsel agreement that Plaintiff designated as confidential, and an excerpt of Plaintiff's deposition addressing that document. ViSalus seeks to file under seal an unredacted version of the Opposition, as a portion of that brief discusses the foregoing confidential retention agreement.

A party seeking to file under seal "documents produced in discovery" must establish that "good cause" exists. *A.G. v. Oregon Dep't of Human Servs. ("DHS")*, No. 3:13-CV-1051-AC, 2014 WL 317016, at *3 (D. Or. Jan. 28, 2014). Good cause is determined by balancing the interests of non-disclosure against the need for confidentiality. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). A Court may enter an Order sealing documents so long as it finds that good cause exists and "provides a sufficient explanation of its reasoning and the factors it considered." *DHS*, 2014 WL 317016, at *3.

Good cause exists here because the retention agreement identified above was labeled "Confidential" by Plaintiff under the terms of the Stipulated Protective Order. (Dkt. 49.) In entering that Order, the Court has already determined that "there is good cause to protect the confidential nature of certain information" designated as "Confidential" by the Parties. (Dkt. 49 at p.8.)

In compliance with Local Rules 3-7(b), 5-5(b), 26-4(c) and pursuant to the Stipulated Protective Order ¶ 4, ViSalus is lodging under seal the unredacted Opposition, and concurrently filing a public-record version of the document. Accordingly, ViSalus respectfully requests that the Court enter an Order granting ViSalus permission to file the aforementioned unredacted version of the Opposition under seal.

DATED this 24th day of March, 2017.

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By /s/ Sarah R. Anchors

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I hereby certify that I served the foregoing on Plaintiff the foregoing document:

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by the following indicated method or methods on the date set forth below:



CM/ECF system transmission.



E-mail. As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.

- ☐ **Facsimile communication device.**
- ☐ **First-class mail, postage prepaid.**
- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 24th day of March, 2017.

/s/ Sarah R. Anchors

Sarah R. Anchors (*Pro Hac Vice*)

Attorneys for Defendant ViSalus, Inc.